IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SERGIO AGUILAR,	§	
Plaintiff,	§	
	§	
v.	§	**CIVIL CASE NO. 3:18-cv-02415-S-BK**
	§	
SERVICE LLOYDS INSURANCE,	§	
Defendant.	§	

ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation

in this case. Plaintiff filed objections, and the Court has made a *de novo* review of those portions

of the proposed findings and recommendation to which objection was made. The objections are

overruled, and the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the

United States Magistrate Judge.

IT IS THEREFORE ORDERED that that this action is **DISMISSED WITHOUT**

PREJUDICE for lack of subject matter jurisdiction. *See* FED. R. CIV. P. 12(h)(3).

The Court prospectively **CERTIFIES** that any appeal of this action would not be taken

in good faith. *See* 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a)(3). In support of this

certification, the Court adopts and incorporates by reference the Magistrate Judge's Findings,

Conclusions, and Recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir.

1997). Based on the Findings and Recommendation, the Court finds that any appeal of this

action would present no legal point of arguable merit and would, therefore, be frivolous.

Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983).[2] In the event of an appeal, Plaintiff may

challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal

with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at

202; FED. R. APP. P. 24(a)(5).

SO ORDERED this 21st day of March, 2019.

_____
UNITED STATES DISTRICT JUDGE

---

[2] Federal Rule of Appellate Procedure 4(a) governs the time to appeal an order. A timely notice of appeal must be filed even if the court certifies an appeal as not taken in good faith.